IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO. 56 of 2006.
IN
FIRST APPEAL NO. 1404 OF 2005.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri P.K.Dhakephalkar, Senior Advocate i/by Shri M.A.Uttagikar for the Applicant.
Shri J.Shekhar i/by M/s.J.Shekhar & Co.for the Respondents Nos.1 & 2.

CORAM : ABHAY S.OKA, J.
DATED : 23rd MARCH, 2006.

P.C.:

1. Rule. The learned Advocate appearing for Respondents No.1 and 2 waives service. The learned Counsel for the Applicant states that the Applicant is not pressing the relief as against Respondent No.3. Hence service of Rule on Respondent No.3 is dispensed with

2. It is an admitted position that the decree for perpetual injunction passed by the trial Court on 31st December 2003 was not stayed during the pendency of the Appeal in the District Court. In view of this position, the Applicant is entitled to injunction as prayed. Hence Rule is made absolute in terms of prayer clause (B), subject to condition that the Applicant will not create any third party interests in respect of the suit land. No order as to costs.

Judge.